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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/122,484 07/24/98 LATTER

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EXAMINER
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LM01/0425

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NGUYEN, D	
ART UNIT	PAPER NUMBER

2743

DATE MAILED:

04/25/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/122,484**

Applicant(s)  
**LATTER ET AL.**

Examiner  
**Duc Nguyen**

Group Art Unit  
**2743**



☒ Responsive to communication(s) filed on Feb 7, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-59 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-59 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6 and 7

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2743

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 57-59 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 57 recites the limitation "caller identification information" in lines 10-11. There is insufficient antecedent basis for this limitation in the claim. It is not clear whether the caller ID information is the standard caller ID information or the audible caller ID information.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-6, 8-10, 12-13, 15-28, 30-56 are rejected under 35 U.S.C. 102(e) as

Art Unit: 2743

being anticipated by Tatchell et al (5,905,774).

Consider claims 1, 30 and 45. Tatchell teaches a method and an apparatus for processing a call from a calling party (calling party 22) at a calling communication station to a called communication station (i.e., subscriber 17a-17n), the method comprising the steps of (a) determining whether standard caller identification information for the calling communication station can be provided to the called communication station (e.g., the CLID cannot be verified or detected; column 20 lines 50-51; see figures 8a-b steps 103 and 106); (b) transmitting a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station (e.g., agent obtains caller's name as delivered over the network or by asking the caller to say their name; figure 8b step 106); (c) transmitting the audible caller identification information to the called communication station (e.g., agent announces calling party upon subscriber going off-hook; figure 8b step 106); and (d) canceling the call in response to input from the called communication station (see figure 8d steps 116-119).

Consider claim 2. Tatchell teaches all the subject matter claimed, note see the rejection of claim 1, and further teaches the step of transferring the call to a voice mail system in response to input from the called communication station (column 21 lines 20-40).

Consider claim 3. Tatchell teaches all the subject matter claimed, note see the rejection of claim 1, and further teaches the step of transferring the call to another location (i.e., voice mail) in response to input from the called communication station (column 21 lines 20-40).

Art Unit: 2743

Consider claim 4. Tatchell teaches all the subject matter claimed, note see the rejection of claim 1, and further teaches the step of transmitting a message to the calling communication station in response to input from the called communication station (column 21 lines 20-40; column 18 line 64 to column 19 line 11).

Consider claim 5. Tatchell further teaches that the input from the called communication station comprises dual tone multi-frequency tones (column 16 lines 20-35).

Consider claim 6. Tatchell teaches all the subject matter claimed, note see the rejection of claim 1, and further teaches the step of transmitting a text message to the called communication station (e.g., transmitting a text message, and translating the text message to speech; column 18 lines 39-63).

Consider claims 8, 51. Tatchell further teaches the steps of recording the audible caller identification information and transmitting the recorded audible caller identification information to the called telephone station (column 16 lines 20-35).

Consider claims 9, 46. Tatchell teaches all the subject matter claimed, note see the rejection of claim 1, and further inherently teaches the step of determining whether a human is available to answer the call (e.g., see figures 8c-d); and connecting the calling communication station to the called communication station in response to a determination that a human is available to answer the call (e.g., call answered? Yes ---> subscriber goes off-hook; see figures 8c-d).

Art Unit: 2743

Consider claims 10, 48-50, 52-56. Tatchell further teaches steps of connecting a service node (telephone switching center 10) with the called communication station (i.e., 17a-n); transmitting a request for input to the called communication station, and determining whether input was transmitted from the called communication station (column 18 lines 39-63; column 21 lines 20-40).

Consider claim 12. Tatchell teaches all the subject matter claimed, note see the rejection of claim 1, and further teaches the step of determining whether a human is available to answer the call (see figure 8c); and connecting the calling communication station with a voice mail system in response to a determination that a human is not available to answer the call (e.g., call answered? No ---> Agent sends call to voice mail; see figure 8c).

Consider claim 13. Tatchell further teaches steps of connecting a service node (telephone switching center 10) with the called communication station (i.e., 17a-n); transmitting a request for input to the called communication station, and determining whether input was transmitted from the called communication station (column 21 lines 20-40).

Consider claim 15. Tatchell teaches all the subject matter claimed, note see the rejection of claim 1, and further teaches that his method can be utilized in an advanced intelligent network (SS7 network; column 6 line 63 to column 10 line 47).

Consider claim 16. Tatchell further teaches that the service control point is operative to determine whether the standard caller identification information for the calling communication

Art Unit: 2743

station is unavailable (column 10 lines 8-39; column 12 line 65 to column 13 line 38; column 17 line 46 to column 18 line 38).

Consider claims 17, 33 and 40. Tatchell further teaches that the service control point is operative to determine whether the standard caller identification information for the calling communication station is incomplete (e.g., the CLID cannot be verified or detected; column 20 lines 50-51; see figures 8a-b steps 103 and 106).

Consider claim 18. Tatchell further teaches that the service control point is operative to determine whether the standard caller identification information for the calling communication station has been blocked (column 10 lines 8-39; column 12 line 65 to column 13 line 38; column 17 line 46 to column 18 line 38).

Consider claims 19-20. Tatchell further teaches the step of transmitting a request for the calling party to speak his/her name (see figure 8b).

Consider claim 21. Tatchell further teaches the step of transmitting a message to the called communication station, the message comprising accept and reject options and a request for input from the called communication station (column 21 lines 20-40).

Consider claim 22. Tatchell further teaches the step determining whether a human is available to answer the call (see figure 8c).

Consider claim 23. Tatchell further teaches the step of connecting the call in response to input from the called communication station (column 21 lines 20-40).

Art Unit: 2743

Consider claim 24. Tatchell further teaches the step of canceling the call in response to input from the called communication station (column 21 lines 20-40).

Consider claim 25. Tatchell further teaches the step of transferring the call to a voice mail system in response to input from the called communication station (column 21 lines 20-40).

Consider claim 26. Tatchell further teaches the step of transferring the call to another location in response to input from the called communication station (column 21 lines 20-40).

Consider claim 27. Tatchell further teaches the step of transmitting a message to the calling communication station in response to input from the called communication station (column 21 lines 20-47).

Consider claim 28. Tatchell further teaches the step of transmitting a text message to the called communication station (e.g., transmitting a text message, and translating the text message to speech; column 18 lines 39-63).

Consider claims 31 and 38. Tatchell teaches all the subject matter claimed, note see the rejection of claim 1, and further teaches that his method can be utilized in an advanced intelligent network (SS7 network; column 6 line 63 to column 10 line 47).

Consider claims 32 and 39. Tatchell further teaches that the service control point is operative to determine whether the standard caller identification information for the calling communication station is unavailable (column 10 lines 8-39; column 12 line 65 to column 13 line 38; column 17 line 46 to column 18 line 38).



Art Unit: 2743

Consider claims 34 and 41. Tatchell further teaches that the service control point is operative to determine whether the standard caller identification information for the calling communication station has been blocked (column 10 lines 8-39; column 12 line 65 to column 13 line 38; column 17 line 46 to column 18 line 38).

Consider claims 35 and 42. Tatchell further teaches that the service node is operative to transmit audible messages to the calling communication station (column 21 lines 20-47).

Consider claims 36 and 43. Tatchell further teaches that the service node is operative to transmit audible messages to the called communication station (see figures 8a-d).

Consider claims 37 and 44. Tatchell further teaches that the service node is operative to receive and respond to input from the called communication station (column 21 lines 20-40).

Consider claim 47. Tatchell further teaches the step of transmitting a request for the calling party to speak his or her name (see figure 8b).

***Claim Rejections - 35 U.S.C. § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7, 11, 14, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Art Unit: 2743

Tatchell et al (5,905,774) in view of Yaker (5,848,142).

Consider claim 7. Tatchell does not teach that the text message comprises a name of a telephone service.

Yaker further teaches the text message comprises a name of a telephone service (i.e., "call waiting"; column 7 lines 26-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Yaker into the teachings of Tatchell so that the callee can easily monitor the status of the incoming calls and the service invoked by the incoming calls.

Consider claim 11. Yaker further teaches the steps of disconnecting the service node and the called communication station (column 2 lines 60-64); and placing a second call to the called communication station (column 6 lines 13-18).

Consider claim 14. Yaker further teaches the steps of disconnecting the service node and the called communication station (column 2 lines 60-64); and placing a second call to the called communication station (column 6 lines 13-18).

Consider claim 29. Tatchell does not teach that the text message comprises the name of a telephone service.

Yaker further teaches that the text message comprises the name of a telephone service (i.e., "call waiting"; column 7 lines 26-65).

Art Unit: 2743

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Yaker into the teachings of Tatchell so that the callee can easily monitor the status of the incoming calls and the service invoked by the incoming calls.

***Allowable Subject Matter***

7. Claims 57-59 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is (703) 308-7527.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Kuntz, can be reached on (703) 305-4708.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

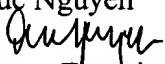
Art Unit: 2743

**Or:**

(703) 305-9508, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington. VA., Sixth Floor (Receptionist).

4/21/2000

Duc Nguyen  
  
Patent Examiner  
Art Unit 2743